

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF YAVAPAI

FILED

10:50 O'Clock a M

APR 15 2010

DIVISION PRO TEM B

HON. WARREN R. DARROW

CASE NUMBER: V1300CR201080049

JEANNE HICKS, Clerk
BY Rita Storms
Deputy

By: Diane Troxell, Judicial Assistant

Date: April 15, 2010

TITLE:

STATE OF ARIZONA

(Plaintiff)

vs.

JAMES ARTHUR RAY

(Defendant)

COUNSEL:

Sheila Sullivan Polk
Yavapai County Attorney
Bill Hughes, Esq.
Steven Sisneros, Esq.
Deputy Yavapai County Attorneys

(For Plaintiff)

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Los Angeles, CA 90071

(For Defendant)

**ORDER VACATING ORDER QUASHING SUBPOENAS DUCES TECUM
AND DIRECTING THE CLERK TO ACCEPT PLEADINGS**

The Court notes that its previous Order granting the State's motion to quash was executed and filed after the staff of this division had verified by examining the electronic records that no response had been docketed. This Court has now been informed by the Clerk's office that the Defendant did, in fact, attempt to file on April 8 four separate pleadings in response to the State's motion to quash. Three of these pleadings, although file-stamped, were ultimately rejected for filing by the Clerk and therefore were never entered on the docket. One of the pleadings, which is captioned "Declaration of Thomas K. Kelly," was stamped and accepted for filing on April 8 but was not recorded on the docket until April 14.

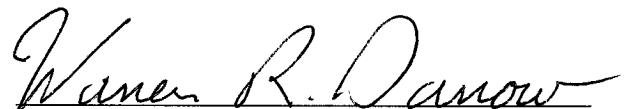
The Court believes that Rule 35.4 of the Arizona Rules of Criminal Procedure and Rule 10(d) of the Arizona Rules of Civil Procedure apply to this criminal proceeding and has directed the Clerk to accept for filing all pleadings submitted by the Defense on April 8. See State v. Tackman, 183 Ariz. 236, 239, FN5, 902 P.2d 1340, 1343, FN5 (App. 1994). The issues raised in the State's motion will be decided on the merits. Therefore,

IT IS ORDERED AS FOLLOWS:

(1) the Clerk shall accept and file the pleadings and documents submitted by the Defendant on April 8, 2010; and

(2) the Court's Order Quashing Subpoenas Duces Tecum filed on April 13, 2010 is hereby vacated.

DATED this 15th day of April, 2010.


Warren R. Darrow
Superior Court Judge

cc: Victim Services Division